

September 17 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Supreme Court Cause No. DA 09-0500

IN THE SUPREME COURT OF THE STATE OF MONTANA

Guy W. Rogers
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**NOTICE OF
CROSS-APPEAL**

Lon Peterson,
Appellant/Cross Appellee,

vs.

St. Paul Fire & Marine,
Insurance Company,
Appellee/Cross- Appellant.

FILED

SEP 17 2009

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

NOTICE is given that St. Paul Fire & Marine, Insurance Company (St. Paul), the Appellee/Cross-Appellant in that cause of action filed in the 8th Judicial District Court, Cascade County, as Cause No. BDV 07-789, hereby cross-appeals to the Supreme Court of the State of Montana from certain orders and rulings preceding the final judgment entered in the referenced district court action.

THE CROSS-APPELLANT FURTHER CERTIFIES:

1. That this cross-appeal is subject to the mediation process required by M. R. App. P. 7.

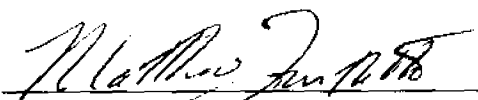
2. That this cross-appeal is not an appeal from an order certified as final under M. R. Civ. P. 54(b).

3. That the notice required by M. R. App. P. 27 has been or will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature.

4. That all available transcripts of the proceedings in this cause involving the issue(s) cross-appealed have been ordered from the court reporter contemporaneously with the filing of this notice of cross-appeal. If all available transcripts have not been ordered, that Cross-Appellant has complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.

5. That included herewith is the filing fee prescribed by statute, or the affidavit to proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form 3.

Dated this 16 day of September, 2009.


Matthew I. Tourlotte
Attorney for Appelle/Cross-Appellant
St. Paul Fire & Marine Insurance Company

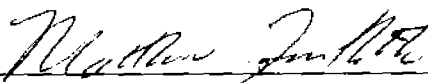
CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF CROSS-APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF CROSS-APPEAL upon the Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

Clerk of the District Court
Montana 8th Judicial Dist. Court
Cascade County Courthouse
415 Second Ave. North
Great Falls, MT 59401

Alexander (Zander) Blewett, III
Kurt M. Jackson
HOYT & BLEWETT PLLC
P. O. Box 2807
Great Falls, MT 59403-2807

Dated this 16 day of September, 2009



Matthew I. Tourlotte
Attorney for Appelle/Cross-Appellant
St. Paul Fire & Marine Insurance Company